

REMARKS

Claims 1-23 and 25-38 are pending and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeGroot (US 6,167,308) in view of Sun (US 6,400,986). In the previous response, Applicant articulated distinctions between the pending claims and the cited references thus indicating that the references are insufficient to meet the claims. The content of the previous response is incorporated by reference in its entirety. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claim 1 recites “the stored ATP regimen being stored in association with the stored measured exploratory RCL in IMD memory”. The Examiner responded to the previous response by indicating that DeGroot teaches storing the measured exploratory RCL. The Examiner has interpreted “derived values, such as the stored time intervals separating tachyarrhythmia pulses and the corresponding high rate pacing interval” as including T4, the measured return cycle length. Contrary to the Examiner’s assertion, “time intervals separating tachyarrhythmia pulses” are the time intervals T1 separating R-waves of an ongoing tachycardia (col. 2, lines 46-48) and “the corresponding high rate pacing interval” is the interval T2 between the anti-tachycardia pacing pulses, determined as a function of the duration of the intervals T1 (col. 2, lines 50-52). Applicant respectfully maintains that DeGroot never teaches nor suggests storing the RCL in association with an ATP regimen and never provides any reason to do so. The measured RCLs T3 and T4 are compared to each other during delivering of a pulse regimen and an immediate decision is made to either complete the current pulse regimen or proceed to delivering a next scheduled pacing pulse regimen (col. 6 lines 22-23). There is no suggestion nor motivation to store the RCL in association with a pulse regimen in the teachings of DeGroot. Sun does not remedy this deficiency.

Sun teaches classifying terminable arrhythmias as to type based on rate or depolarization waveform. Upon detection of a particular arrhythmia type, a result table for that type is used to select the ATP protocol to be employed. Sun

never teaches, suggests nor implies storing arrhythmias based on a measured RCL. The Examiner's interpretation that the recorded protocols in Sun include the exploratory RCL as the exploratory RCL is a parameter of the pacing protocol cannot stand under any logically supportable analysis. The RCL is a measured parameter, which depends on how a pacing pulse interacts with a tachycardia wavefront, and is not a pacing protocol parameter. Sun never teaches measuring the RCL, storing an RCL or using an RCL in selecting an ATP protocol. As such, the statements made by the Examiner are not supported by the reference.

The combined teachings of DeGroot and Sun would merely result in selection of a next pacing pulse regimen based on the type of arrhythmia detected, classified based on rate and depolarization waveform morphology, and would have nothing to do with a stored RCL. However the references, singly or combined, do not teach storing the measured RCL in association with a stored ATP regime. Accordingly, the Applicant respectfully asserts the rejection is improper and should be withdrawn.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

January 4, 2008
Date

/Michael C. Soldner/
Michael C. Soldner
Reg. No. 41,455
(763) 526-0938
Customer No. 27581